

Grand Jury Presentments, &c. (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Powers of grand juries as to fiscal business abolished.
2. Repeal of twenty-ninth and thirty-first clauses of General Grand Jury Act.
3. Repeal of second and third sections of special Act for county Dublin.
4. Representative Councils established in each county.
5. Each barony to elect three.
6. Baronies to be united when more than twelve.
7. Every person rated on last rate to vote.
8. Election regulations.
9. Mode of nomination.
10. Appointment of polling places.
11. Council may make new regulations.
12. Non-resident justices not to attend presentment sessions.
13. Justices of each barony to elect one representative.
14. Provision as to consolidated baronies.
15. Additional members to be elected by boards of guardians and municipal bodies.
16. Commissioners of townships may elect.
17. Representative Councils to be corporations.
18. General courts of magistrates to be held.
19. Powers of Council.
20. Not to make presentments for malicious injury.
21. Meetings of Representative Council.
22. Chairman and vice-chairman to be elected.
23. Appointment of officers.
24. Treasurer of County to continue in office.
25. Appointment of Secretary of Council.

[Bill 22.]

Clauses.

26. Appointment of County and district surveyors.
27. Fixing of meetings.
28. Election of finance committee.
29. Duties of finance committee.
30. Chairman of finance committee to be appointed.
31. Orders to be made at meetings of Council.
32. Meetings to be held before assizes.
33. Schedule of votes to be prepared.
34. Expenses of Act to be provided.
35. Orders to be filed by judge.
36. Council to meet at assizes.
37. County rate to be struck.
38. Recovery of county rate.
39. Provision as to county of Dublin.
40. Council may stop up roads.
41. Moneys to be paid to credit of County Fund.
42. Mandamus to lie to Council.
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44. Applications for compensation for malicious injury to be heard by a grand jury.
45. Proceedings to obtain compensation.
46. Grand jury may present compensation.
47. Presentment to be record of assize court.
48. Presentment may be traversed.
49. Questions may be reserved.
50. Judge to order payment.
51. Presentments for compensation for malicious injuries, &c. may be removed into Queen's Bench.
52. Appointment of board of superintendence.
53. Provision as to presentment sessions.
54. Associated cesspayers to be elected.
55. Provision as to counties of cities and towns.
56. Provision as to Carrickfergus and Galway.
57. Provisions as to lunatic asylums.
58. Privy Council to determine number of governors.
59. One fourth to be appointed by Lord Lieutenant.
60. Two thirds of the rest to be elected by Council, one third by justices.

[39 VICT.] *Grand Jury Presentments, &c. (Ireland).*

Classes.

61. Provisions where more than one county contributes.
 62. Provisions as to cities and town corporate.
 63. Number of governors to be such as to accord with these provisions.
 64. Orders may be varied.
 65. Lord Lieutenant may hear objections to orders.
 66. Vacancies in office of governor to be filled up.
 67. Property of grand juries to vest in councils.
 68. Contracts to continue in force.
 69. Qualification of councillors and cesspayers
 70. Duties of Council.
 71. Power of Council to make byelaws.
 72. Byelaws to be approved.
 73. Byelaws may be removed by certiorari.
 74. Penalties to be recovered.
 75. Application of penalties.
 76. Members of Council, &c. not to be interested in any contract, or hold any office of profit, under the Council.
 77. Acts required to be done on a day happening to fall on a Sunday.
 78. Short title of Act.
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B I L L

TO

Provide for the better Administration of Public Moneys now A.D. 1876.
levied by Grand Jury Presentment in Ireland, and for
the establishment of Representative Councils in the Irish
Counties for the management of Local Affairs.

WHEREAS it is expedient to make provision for the represen- Prescrible.
tation of the ratepayers in the management of the rates and
taxes now levied as county rate in Ireland, and for that purpose
to institute in each county a Representative Council constituted
5 as herein-after mentioned, and to transfer to such Council the fiscal
powers now exercised by the grand jury of such county :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
10 and by the authority of the same, as follows ; that is to say,

1. From and after the first day of November next, it shall not
be lawful for any grand jury of any county, county of a city, or
county of a town in Ireland to make any presentment for the
levying of any cess, rate, or tax, or for the execution of any further
15 work or any other matter relating in any way to the control or
management of any of the fiscal business of the said county ; and
from and after that day all the powers and duties of the grand
jury of any county, county of a city, or county of a town, in relation
to presenting and levying of rates or cesses, or any of the matters
20 aforesaid, shall absolutely cease and determine.

2. From and after the said day, the twenty-ninth and thirty-first
sections of an Act passed in the seventh year of the reign of His
late Majesty King William the Fourth, intituled "An Act to con-
solidate and amend the laws relating to the presentment of public
25 " money by Grand Juries in Ireland," herein-after called the Grand
Jury Act, shall be and the same are hereby repealed, and the grand
jury of every county shall be selected, summoned, and sworn as if
that Act had not been passed.

[Bill 22.]

A

*Powers of
grand juries
as to fiscal
business
abolished.*

*Repeal of
twenty-ninth
and thirty-
first clauses
of General
Grand Jury
Act.*

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Repeal of
second and
third sections
of special
Act for
county of
Dublin.

Representative
Councils
established
in each
county.

Each barony
to elect
three.

Baronies to
be divided
when more
than twelve.

Every person
rated on last
rate to vote.

Election
regulations.

Mode of
nomination.

3. From and after the passing of this Act the second and third sections of an Act passed in the eighth year of the reign of Her Majesty the now Queen, intituled, "An Act to consolidate and amend the laws for the regulation of Grand Jury Presentments in the county of Dublin," shall be and the same are hereby repealed. 5

4. From and after the first day of November next, and at all times thereafter, there shall be in every county in Ireland a Representative Council, to be constituted in manner herein-after mentioned.

5. On the tenth day of October in this present year, and on the same day in every succeeding year, the ratepayers of each barony shall elect in manner herein-after mentioned three fit and proper persons to be members of such Representative Council. 10

6. Provided always, and he it enacted, that as to any and every county in Ireland in which the number of baronies exceeds twelve, the Lord Lieutenant and Privy Council shall, by an Order in Council to be made as soon as conveniently may be after the passing of this Act, direct that any barony in such county, instead of electing a representative, shall, for the purposes of representation in the county council, be annexed to and form part of any adjacent barony; and they shall order and make in every such county such and so many annexations of baronies as shall reduce the entire number of baronies to be represented to twelve; and the ratepayers of any barony to which such order applies shall, for all purposes of the election, be deemed to be ratepayers of the barony to which they are by such order annexed. 15 20 25

7. Every person whose name appears on the last rate for the relief of the poor in any union situate wholly or in part within any barony in respect of premises within any barony shall be deemed to be a ratepayer of such barony within the meaning of this Act. 30

8. On the day in each year appointed for the election, the election for each barony shall be held in the place in which the presentment sessions of the barony are held, and the high constable of the barony shall, at the first election after this Act, be the returning officer, and at all future elections such persons as the Representative Council of the county may appoint. 35

9. Any two ratepayers of the barony may, at any time between ten and twelve on the day of election, by a nomination paper signed by them and delivered to the returning officer, nominate one person 40

or two or three persons to be elected on the Representative Council. If no more than three persons are so nominated the returning officer shall declare the three persons so nominated elected. If more than three persons are nominated, a poll shall be taken, and the poll shall be conducted in the manner provided for municipal elections by the Ballot Act, 1872; and all the clauses and provisions of the said last-mentioned Act, unless where they are inconsistent with this Act, shall apply to the elections hereby directed to be held.

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10. At the first election the polling place shall be at the place in which the presentment sessions for the barony are held; provided always, that if any barony has been annexed, there shall be a separate polling place for the ratepayers of such barony at the place in which the presentment sessions of such barony are held.

Appoint-
ment of
polling
places.

11. The regulations herein made for the first election shall continue to be in force until the Representative Council shall have made byelaws regulating such elections in manner herein-after mentioned.

Council may
make new
regulations.

12. From and after the passing of this Act no justice of the peace for any county shall be entitled or qualified to sit or vote at any presentment sessions held for any barony, unless he is a resident in such barony, or a ratepayer of same, or is the owner of lands, tenements, and hereditaments for any estate within the same barony producing to him for his own use and benefit a clear income of not less than one hundred pounds a year.

Non-resident
justices not
to attend
presentment
sessions.

13. At the first presentment sessions held after the fifteenth of September in each year for any barony, the justices assembled at same shall separately elect a person to be a member of the Representative Council of such county. Such person so elected by the justices, and the three persons elected by the ratepayers as herein-before provided, shall be the representatives of the barony at the Council for the ensuing year.

Justices of
each barony
to elect one
representa-
tive.

14. In any case in which any barony shall have been annexed to another pursuant to the provisions herein-before contained, no election shall be so made at any presentment sessions of the barony so annexed, but all the justices qualified to attend such presentment sessions shall be entitled, for the purposes of the election of a representative, but for such purposes only, to attend and vote at the presentment sessions of the barony to which it is annexed.

Provision as
to consoli-
dated
baronies.

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Additional
members to
be elected by
boards of
guardians
and municipal
bodies.

15. In addition to the four persons so elected for each barony, the mayor of every city, town, or borough within the county which now is or shall be hereafter incorporated under the provisions of the Acts regulating municipal corporations of Ireland shall be a member of the Representative Council of the county; and the 5 council of every such city, town, or borough shall elect and nominate one other of their body to be, with the mayor, a member of the Representative Council of the county; and the board of guardians of each poor law union situate wholly or in part within the county shall in like manner nominate one person to be a member of the 10 Council; and the town commissioners of every town in which commissioners shall be appointed under any of the Acts in force for the improvement of towns in Ireland, shall also nominate and appoint one of their body to be a member of such Representative Council; all such appointments to be made in each year, at some 15 meeting of the said several bodies duly convened for that purpose.

Commission-
ers of town-
ships may
elect.

16. In the county of Dublin the commissioners of the township of Rathmines shall appoint, in manner herein-before provided for towns corporate in counties, two persons to be members of the county council, and so shall the commissioners of each of the 20 townships of Kingstown, Blackrock, and Pussbrooke respectively, in like manner appoint two.

Representa-
tive Councils
to be cor-
porations.

17. The several persons so elected and appointed shall, on and after the first of November in each year, be and form the Representa- 25 tive Council of the county for the ensuing year. The Council so elected shall have perpetual succession, by the name and title of the Representative Council of the county for which they are elected. They shall be capable of suing and being sued, shall have a common seal, be capable of holding land, have the power of making bylaws, and have and enjoy and be subject to all such rights, 30 powers, and restrictions as by law belong to municipal bodies corporate.

General
courts of
magistrates
to be held.

18. From and after the passing of this Act, there shall be held in each county from time to time a general court of the magis- 35 trates of the county. Such court shall meet statedly four times in each year, on the first Tuesday in each of the months of November, February, May, and August; they shall meet in the court-house in the county town; the Lieutenant of the county, if present, shall preside at every court; in his absence the chairman shall be elected by the magistrates present; the clerk of the peace 40

shall not as secretary to every such court. In addition to these stated courts the lieutenant of the county may at any time convene a special court on giving one week's notice to each magistrate by post.

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- 5 19. From and after the said first day of November the Representative Council of each county shall be capable of exercising and shall have and exercise all such powers, duties, and authorities which are now vested in the grand jury in relation to the execution of any public work, or the levying of any cess, rate, or tax, and
10 the making of any orders, or the making of any appointment, except where it is herein otherwise provided; and generally they may do all such matters, acts, and things as may now be lawfully done by the grand jury of any county, except the finding of bills of indictment, or making presentments of any offence or other
15 matter in any connected with the duties of a grand jury as the grand inquest of the county.

Powers of Council.

- 20 20. The Council shall not exercise the power of the making of any presentment for compensation for malicious injuries, or in respect of any crime or outrage, in any of the Acts authorising grand juries in that behalf.

Not to make presentments for malicious injuries.

21. The Representative Council of each county shall assemble on the tenth day of November next, and on the tenth day of November in each succeeding year. All their meetings shall be held in the assize town of the county, and their first meeting shall
25 be held at noon in the grand jury room of the county court house.

Meetings of Representative Council.

22. They shall at their November meeting in each year elect a member of the council to be chairman and another to be vice-chairman for the ensuing year, and may, at any meeting duly convened,
30 fill up a vacancy arising in either of such offices during

Chairman and vice-chairman to be elected.

23. They shall appoint, in addition to a secretary, such and so many other officers as may be necessary for the transaction of the business of the Council, with such reasonable salary as they may think fit. Any order appointing an officer, or fixing his salary,
35 may be removed into the Court of Queen's Bench, and shall be quashed, if it shall appear to the Court that the appointment is unnecessary, or the salary excessive; and any facts that are disputed may, if the Court shall so think fit, be tried by a jury in such manner as the Court may direct: Provided always, that all officers
40 appointed by the Council shall be removable at the pleasure of the Council without any cause assigned.

Appointment of officers.

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Treasurer
of county to
continue in
office.

24. Any person or banking company who at the time of the first meeting of the Council shall fill the office of treasurer of the county shall continue to hold such office at the same salary and with the same tenure of office as if this Act had not been passed; and upon any vacancy occurring in the office of treasurer, the Council shall 5 make provision for the discharge of the duties of such office as the grand jury are now empowered and required by law to do.

Appointment
of secretary
of Council.

25. The Council shall, at their first meeting, or at some adjournment thereof, appoint a fit and proper person to be secretary of the Council, and shall at any future meeting fill up any vacancy 10 in such office. They shall annex to the office of secretary such duties as they may prescribe by any byelaws duly made in that behalf; and, subject as aforesaid, they may from time to time fix such reasonable salary to be paid to such secretary as they shall think fit.

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Appointment
of county
and district
surveyors.

26. The Council shall from time to time appoint the county and district surveyors, with such salaries respectively as they may think reasonable; but they shall not appoint any one, except a person qualified to fill such office under the provisions of a statute passed in the twenty-sixth year of the reign of Her Majesty, the 20 now Queen, intituled "An Act for making better provision for the appointment of county surveyors in Ireland."

Fixing of
meetings.

27. The Council may fix meetings to be held statedly at such time as they shall see fit, and may adjourn their meetings from time to time, and make such regulations as to the convening of 25 extraordinary meetings, as to them shall seem fit.

Election of
finance
committee.

28. They shall, at their meeting in the month of November in each year, nominate and appoint out of their body a finance committee, of not less than seven and not more than twelve, to discharge the duties herein-after mentioned.

30

Duties of
finance
committee.

29. The finance committee shall meet from time to time as they shall think fit, and as the Council may appoint. They shall examine into all applications for public works, and, if they shall think it expedient, they shall report their opinions thereon to the Council; they shall, as far as may be practicable or necessary, 35 investigate the progress of all contracts for public works, and call for and receive the reports of all officers in relation to same. They shall, when authorised by any resolution of the Council, make payments on account of same, and generally do all such acts for the transaction of business as the Council may by any byelaw 40 direct.

30. The Council shall from time to time appoint a fit and proper person, being a member of the finance committee, to be chairman thereof, and to discharge such duties as they may by any byelaw duly made in that behalf annex to such office; and, if they shall so think fit, they may fix such reasonable salary to be paid to such chairman as they may think fit.

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Chairman of finance committee to be appointed.

31. The Council may, at any meeting duly convened, make any order for the execution of any work, or the granting of any money for same, for which the grand jury of the county might lawfully have made a presentment if this Act had not been passed.

Orders to be made at meetings of Council.

32. Provided always, that in every county, except the county of Dublin, two meetings shall be held in each year on the day that shall be four clear days before the day appointed for opening the commission at each assizes. And the sheriff of every county, on receiving the precept of the justices for the assizes, shall cause public notice to be given of the day of meeting of the Council, and shall send to the secretary of the Council a notice requiring the Council to assemble on the day named in the notice, and the secretary shall thereupon summon by post each member of the Council to attend on that day.

Meetings to be held before assizes.

33. The Council shall assemble at their place of meeting, at twelve o'clock on the day named by the sheriff, and shall then proceed to complete all business remaining undisposed of which shall require to be brought before the justices of assize pursuant to the provision herein-after contained; and they shall continue to meet each day until all such business is disposed of; and at such meetings they shall cause to be prepared a full statement of all orders made by them for the execution of any public money, or the raising of any money in the same form and manner as nearly as may be to the form in which the schedule of presentments is now prepared.

Schedule of votes to be prepared.

34. They shall in such statement include all sums of money which they are authorised or required to raise by county rate, including all such sums as may be required for the expenses of carrying into effect the provisions of this Act.

Expenses of Act to be provided.

35. Unless and until provision shall be otherwise made in that behalf, all orders of the Council for the execution of any work or the raising of any money made since the previous assizes shall be submitted to the judge of assize in the same manner as presentments of the grand jury for the like purposes are now submitted; and the

All orders to be filed by judge.

A.D. 1876. judge shall have and exercise in respect to them the same power and control as he now does over the presentments of the grand jury; and all the proceedings in relation to fixing such orders, and as to the traversing of the same, or otherwise, shall be in all respects the same as are now or may be by law taken in relation to such presentments, and all laws, usages, and statutes now in force in relation to dealing with grand jury presentments at the assizes shall, unless when they are inconsistent with this Act, be applicable to orders made by the Council.

Council to meet at assizes.

36. The Council shall assemble at ten o'clock in the forenoon of the day appointed for opening the commission of each assizes, and shall continue to meet on each and every day at the same time until the judge shall permit them to separate, but before separating they shall appoint a time for their next meeting within one week of such separation.

The Council and every member thereof shall be in attendance at each assizes, and every member shall give his attendance in open court whenever he shall be required by the judge, and he shall remain in attendance at the assizes until the judge shall think fit to discharge the Council from further attendance; and the judge may at any time direct the names of the members of the Council to be called in open court, and may impose upon those who do not appear when called such reasonable fine as he shall think fit.

County rate to be struck.

37. At the meeting of the Council so appointed to be held the Council shall make an estimate of all sums of money which they shall be then authorised or required to raise either from any barony in the county, or from the county at large; and they shall appoint and assess the sums to be levied on each barony in the county, including in such estimate any amount of compensation for malicious injury, or arising from any crime or outrage, which pursuant to the provisions herein-after contained, they may be required to raise; and they shall ascertain the proportion of the entire sum to be raised which shall be chargeable on each barony of the county, and shall appoint and strike upon each barony a per-centage rate, to be called the county rate, to be equally assessed upon all the lands, tenements, and hereditaments rated to the relief of the poor within such barony; and such rate shall be levied on the said several lands, tenements, and hereditaments as one county rate, apportionable between the landlord and tenant in the manner directed by the Land Act.

38. Every such county rate shall be recoverable by the same means in all respects as the county cess is now by law recoverable by distress or otherwise, and shall also be a debt due to the Representative Council by the person liable to pay same, to be recovered
 5 by them by action or otherwise as debts may be recovered by due process of law.

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Recovery of county rate.

39. All the provisions herein-before contained relative to the meetings of the Council, and the making of orders made by them, shall be applicable to the county of Dublin, save and except that
 10 in that county the meetings of the Council shall be held five clear days before each Easter and Michaelmas term; and all orders of the Council shall be submitted to the Court of Queen's Bench instead of the judge of assize; and all such proceedings shall be heard thereon as may now by law be had on any presentment
 15 for the execution of any public work, or the raising of money made by the grand jury of the county of Dublin.

Provision as to county of Dublin.

40. Orders may be made by the Council for stopping up any existing road in the same manner and with the same consequences in all respects as presentments to the like effect may now be made
 20 by the grand jury.

Council may stop up roads.

41. All rates collected under the authority of this Act, and all moneys which shall be payable to the Representative Council, shall be paid to the treasurer, or to the banking company acting as treasurer, of a fund to be called the County Fund; and no money
 25 shall be paid except upon a resolution of the Council or Finance Committee, and a draft signed by three or more members of the Council in such manner as the Council may direct.

Moneys to be paid to credit of County Fund.

42. If the Council shall refuse or neglect to make any order for the payment or assessment of money which by law they ought
 30 to make, any party interested in such payment may apply to the Court of Queen's Bench for a mandamus to compel them to make such order.

Mandamus to lie to Council.

43. Any order made by the Council for the execution of any public work or the payment of any money may be removed by
 35 certiorari into the Court of Queen's Bench, in the same manner as presentments may now be removed, and may, if in any respect contrary to law, be quashed by such Court.

Orders removable by certiorari.

44. Whenever by any law or statute now in force the grand jury of any county are authorised or required to present any sum

Application for compensation for

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malicious
injury to be
heard by a
grand jury.

of money by way of compensation for malicious injury to property, or for any loss or injury resulting from any outrage or crime, the grand jury of such county, notwithstanding this Act, shall and may make such presentment in any case in which they are now authorised by law to make the same.

5

Proceedings
to obtain
compensa-
tion.

45. The proceedings to obtain such compensation shall be as follows:—It shall not be necessary to make any application to presentment sessions preparatory to such presentment, and in lieu and stead of any of the requirements now existing by law, it shall be sufficient if the party seeking such compensation gives 10 notice to the secretary of the County Council. Every such notice shall set out the nature of the claim, the circumstances from which such claim is alleged to arise, and the amount claimed. Every such claim shall be made at least two months before the assizes at which the presentment is intended to be sent before the grand jury; 15 and such claim must in all cases be lodged within three months after the injury, crime, or outrage from which the claim is alleged to have arisen, or, if the claim shall arise from any murder, within three months after the death of the person alleged to be murdered, and shall be accompanied by an affidavit, duly sworn before any 20 justice of the peace for the county, that the applicant believes such claim to be founded in truth.

Grand jury
may present
compensa-
tion.

46. Every such claim shall be lodged with the clerk of the Crown at least one week before the day fixed for the opening of the commission at the assizes at which such claim is to be preferred, 25 or, in the county of Dublin, one week before the term, and thereupon the said claim shall be submitted to the grand jury, and upon the assembling of the grand jury at the assizes a presentment shall be sent up to the grand jury by the person or persons claiming compensation, in which the grounds upon which such claim is made 30 shall be set forth with good and sufficient averments to show that such claim is authorised by law, and thereupon the grand jury shall examine into the matter of such presentment, and shall hear witnesses in support of the same, and they may either ignore or find such presentment; and if they shall find such presentment, 35 they shall find such compensation as they may think justly and properly payable to the claimant or claimants; and the proceedings upon such presentment shall be deemed to be a part of the criminal business of the county, save and except that the witnesses shall be heard in a court open to the public, and the members of the 40

grand jury shall give their votes openly for or against such presentment.

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47. Every presentment made for such compensation by a grand jury shall be a record of the court of oyer and terminer held at such assizes; and it shall and may be lawful for such court of oyer and terminer, or any court of oyer and terminer at any succeeding assizes, to give judgment thereon as herein-after mentioned.

Presentment
to be record
of assize
court.

48. Such presentment may be dealt with by the judge or judges of the court of oyer and terminer in the same manner in all respects as any indictment found by a grand jury may be dealt with by the said judge or judges; and any presentment so found by the grand jury may be traversed either by the Representative Council or by any ratepayer; and upon such traverse being taken, the judge in any county, except the county of Dublin, shall direct the same to be tried by a jury, either at the then or the next ensuing assizes, and such trial shall take place in the same manner as the trial of any issue of not guilty on an indictment for misdemeanour. The traverse shall be taken by an entry in the Crown book that the person traversing opposes the presentment, and thereupon the person sustaining the presentment shall be required to prove before the jury that shall try such traverse all the facts necessary to sustain such presentment; and the jury may find a verdict in favour of the traverse, or in favour of the applicant, for such sum as they shall think fit, not exceeding that found by the grand jury. In the county of Dublin the same proceedings shall be had in the Court of Queen's Bench.

Presentment
may be
traversed.

49. The judge at any assizes may reserve any question of law arising upon the trial of such traverse in the same manner as questions arising upon criminal trials are reserved for the Court of Crown cases reserved.

Questions
may be
reserved.

50. Whenever a presentment is found of favour of the application, and same is not traversed, or, if traversed, a verdict is found in favour of the applicant, and such presentment is finally confirmed, the judge, or, in the county of Dublin, the Court of Queen's Bench, shall give judgment for the same, and make an order that the applicant shall be paid the sum for which judgment shall be finally obtained, together with his costs in that behalf properly incurred; and such order shall be transmitted by the clerk of the

Judge to
order pay-
ment.

A.D. 1876. Crown to the secretary of the Representative Council; and the Representative Council shall thereupon include the sum so ordered to be paid in their estimate and rate.

51. Every presentment for compensation for malicious injury, or arising out of any crime or outrage, may be removed by certiorari 5 into the Queen's Bench, in the same manner as any indictment found or to be found for any criminal offence may be removed; and the Court of Queen's Bench shall exercise over every presentment so removed, and over the trial thereof, the same jurisdiction and authority as they now exercise over any indictment so removed; 10 and in case of such removal, the presentment and all subsequent proceedings shall be and be deemed to be a record of the Court of Queen's Bench.

Appointment of board of superintendence.

52. The board of superintendence of the prison of every county in Ireland shall be appointed in the following manner; that is to 15 say, at the general court of magistrates held in the month of February in each year, the justices there assembled shall appoint four of their number to be members of the board of superintendence of the county prison, and shall direct the clerk of the peace to transmit the names of the persons so nominated to the County 20 Council; the Council shall thereupon nominate eight other persons, two of whom at least shall be magistrates, to be members of the said board; and the twelve persons so elected, on being submitted to the judge at the assizes, or, in the county of Dublin, to the Court of Queen's Bench, and recorded in the Crown book, shall constitute 25 and be the board of superintendence from the time they shall be so submitted until the Spring assizes, or, in the county of Dublin, the Easter term of the ensuing year.

Provision as to presentment sessions.

53. Subject to the provisions herein-before and herein-after contained, presentment sessions shall be held for each barony in the 30 manner now required by law; no presentment sessions shall be held for the county at large, and all matters or things which may require the approval of such last-mentioned sessions to authorise a presentment by the grand jury may be done by the Council without such approval. 35

Associated cesspayers to be elected.

54. From and after the tenth day of October one thousand eight hundred and seventy-five, the cesspayers in each barony to be associated with the justices in each barony shall be those chosen in manner following; that is to say, the Representative Council shall,

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as soon as conveniently may be after their election, fix and determine the number of cesspayers in each barony that shall be associated with the justices at presentment sessions. On the tenth of October following, and on the tenth of October in any succeeding year, the ratepayers of each barony shall, at the same time as they elect representatives to the Council, and in the same manner in all respects, elect the appointed number of cesspayers, and the persons so elected shall be the cesspayers to be associated with the justices at all presentment sessions for the barony to be held within the ensuing year.

55. In the counties of the cities of Limerick, Waterford, and Kilkenny, and in the county of the town of Drogheda, all the powers now exercised by the grand juries of such counties in relation to fiscal matters respectively from and after the passing of this Act shall be vested in and transferred to the town council of the said cities and towns respectively; and all the provisions of this Act shall, so far as the same are applicable, be in force in relation to the management of all public moneys now raised in such cities and towns by grand jury presentment.

56. If at any time hereafter the town of Carrickfergus or the town of Galway shall obtain a charter of incorporation under the Acts regulating municipal corporations in Ireland, all the powers now exercised by the grand jury of the county of the town shall be transferred to and vested in the councils elected under such charter; and in the meantime, from and after the first day of January next, they shall, as to the county of the town of Carrickfergus, vest in and be exercised by the Representative Council of the county of Antrim, and as to the county of the town of Galway by the Representative Council of the county of Galway; and the ratepayers of each of such towns shall, by an election to be held in manner herein-before mentioned, elect four representatives, and the justices of the peace two justices, to represent such towns on the said Representative Councils respectively.

57. And whereas it is expedient to place the management of the sums received for lunatic asylums under the control of the representatives of the taxpayers: From and after the seventeenth March next all the powers of the present governors of any lunatic asylum supported wholly or in part by grand jury presentment shall cease and determine.

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Privy Council to determine number of governors.

One fourth to be appointed by Lord Lieutenant.

Two thirds of the rest to be elected by council, one third by justices.

Provisions where more than one county contributes.

Provisions as to cities and town corporations.

Number of governors to be such as to accord with these provisions.

Orders may be varied.

Lord Lieutenant may hear objections to orders.

58. It shall be lawful for the Lord Lieutenant and Privy Council to fix and determine the number of governors which shall in future be appointed for each such lunatic asylum in Ireland.

59. Of such governors one fourth of the number, and no more, shall be appointed by the Lord Lieutenant; any law, statute, or usage to the contrary notwithstanding.

60. In case only one county contributes to the expense of the lunatic asylum, the remaining three fourths of the governors shall be appointed in manner herein-after mentioned; that is to say, two thirds of the number shall be appointed by the council of 10 the county, and one third by the general court of magistrates.

61. In any case in which the expense of such lunatic asylum is borne partly by one county and partly by another, or partly by a county and partly by a county of a city or town, the order of the Privy Council fixing the number of governors shall also determine 15 the proportion of elected governors which shall be chosen by each of the contributory counties, having regard to the amount contributed by each of such counties to the expense.

62. The governors to be elected by any county at large shall be chosen, two thirds by the council of the county, and one third by 20 the general court of magistrates; the governors to be elected by any county of a city or town shall be elected by the town council of such city or town, unless in the counties of the towns of Galway and Carrickfergus, in which they shall be chosen by the councils of the counties of Galway and Antrim respectively. 25

63. In making an order fixing the number of governors to be appointed, and the proportions in which they shall be elected, regard shall be had to fix such numbers as may admit of the divisions directed by this Act.

64. Any such order may from time to time be varied by the 30 Lord Lieutenant and Privy Council on notice to all the parties interested.

65. The Lord Lieutenant and Council may, before making or varying any order, hear any persons whom they may think fit objecting to the making of any proposed order, or the variation of 35 one already made.

66. Any vacancy in the office of governor shall be filled up in the same manner as the person was appointed by whose ceasing to be a governor the vacancy shall have been caused, unless a variation in the order shall make such election inconsistent with the altered state of things.

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Vacancies in
office of
governor to
be filled up.

67. From and after the first day of January next, all property, of what nature or kind whatsoever, which is now held by any grand jury or by any one in trust for them, or which is or is declared to be vested in any county or in any body in trust for such county, shall be and become the property of the Representative Council of each county respectively, and in the counties of cities and towns hereinbefore mentioned shall be and become in like manner the property of the bodies in whom the fiscal powers of the grand jury are vested by this Act.

Property
of grand
juries to
vest in
councils.

68. No contract heretofore entered into by or with any grand jury or any one on their behalf shall be in any manner affected or impaired by anything in this Act contained, but all such contracts, and all rights or liabilities arising therefrom, shall remain in full force and effect; and the body in whom the fiscal powers of the grand jury are vested by this Act shall, as to all such contracts and rights and liabilities, be in the same position as if the contract had been made by or with them, or in trust for them, instead of the grand jury, and they shall have, in relation to all such contracts and matters, the same power as any grand jury would have had if this Act had not been passed; and all arrears of any rate levied by grand jury presentment, and which shall be unpaid on the first day of November next, shall vest in and be the property of the body to whom the fiscal powers of the grand jury are transferred, and shall be recoverable by them in the same manner in all respects as any rate or rates imposed by them under the authority of this Act.

Contracts
to continue
in force.

69. Until the Representative Council of any county shall fix the qualification of persons to be elected members of the Council, and the qualification of persons to be elected as associated ratepayers, every person, and no other, shall be deemed to be qualified to be elected a member of the Representative Council, or an associated cesspayer by the ratepayers of any barony, who would be qualified to be elected as a poor law guardian in any of the unions situate wholly or in part within such barony pursuant to the regulations prescribed for such qualification.

Qualification
of councillors
and cess-
payers.

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Duties of
council.

70. The Representative Council of every county shall be bound to do and perform the following things :

They shall assess, levy, and pay all such moneys as by any law ought to be assessed, levied, and paid :

They shall keep all the public roads, bridges, and highways of the county in good and sufficient order and repair :

They shall keep, provide, and maintain all such courthouses, gaols, prisons, bridewells, and houses of correction within the county as may be necessary for the convenient administration of justice.

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In case they shall neglect to perform any of the aforesaid matters or things, or any other matter or thing whatsoever which by law they ought to do, a mandamus shall issue from the Court of Queen's Bench to compel them so to do, upon the application of Her Majesty's Attorney General, or of the Local Government Board, or of any person interested in the performance of the matter or thing which they shall so neglect ; and if such mandamus shall issue to compel the repair of any public road or highway, it shall not be an answer to such mandamus that the presentment sessions of the barony have not approved of such work ; and if a peremptory mandamus shall issue in obedience to such writ, the Council shall proceed to execute such work in the same manner as if it had been so approved, and shall charge against the barony the interest on their proper proportion of the cost of such work, and all the costs to which they shall be put by reason of such mandamus.

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Power of
Council to
make by-
laws.

71. In addition to and not in substitution for any power of making byelaws which may be vested in them by reason of any of the provisions herein-before contained, the Representative Council of every county shall have power to make any reasonable byelaws not only for the regulation of their own proceedings and of the duties of their officers and servants, but also as to any of the matters herein-after mentioned ; and they may, if they think fit, by any such byelaw, impose a penalty not exceeding five pounds for every violation of same ; that is to say, they may make byelaws for any of the following purposes :

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For the regulation of all contracts for public works to be paid for by county rate, and of the execution of any works undertaken in pursuance of same :

For the better regulation of the roads within the county and of the traffic on same, and for the prevention of nuisance or 40

obstruction in any manner interfering with the safe and convenient use of such roads: A.D. 1876.

For the regulation of the election of the persons to be chosen by the ratepayers of each barony, either as members of the Council or cesspayers, in the following respects; that is to say,

5 Fixing the person to act as returning officer:

Determining the place of election, and the number and situation of polling places:

Regulating the notice to be given of such elections:

10 Determining the qualifications of the persons so to be elected:

Provided always, that such byelaws shall not be inconsistent with this Act, or contrary to the general laws of the realm; but nothing in this section contained shall be construed to weaken or take away any right or power of making byelaws which the Council would have if this section were not contained in this Act.

72. No byelaw so made by the Council, except one regulating its own proceedings, shall have any force or effect unless and until same shall be allowed by the Lord Lieutenant and Privy Council, which allowance shall not be given until a period of twenty-one days after a copy of such byelaw has been sent under the common seal of the Council to the Lord Lieutenant; and immediately on any byelaw being passed by the Council, same shall be printed, and a printed copy of same shall be kept in the office of the Council to be inspected by any one who shall desire so to do; and printed copies shall be sent to the chairman and clerk of every board of guardians within the county, and also to the mayor and town clerk of every town corporate, and also to the chairman of all town and municipal commissioners of any town within the county; and a copy under the seal of the Council shall be sent to the clerk of the peace, and also to the lieutenant of the county, to be submitted to the general court of magistrates of the county; and a printed copy shall be given at a reasonable price to any person who shall apply at the office of the Council for the same.

73. Any byelaw so made by the Council, whether approved of or not, may be removed by certiorari into the Queen's Bench, and may, upon sufficient ground being shown to the court, be quashed.

74. All penalties imposed by any byelaw shall be recoverable in the manner provided by the Petty Sessions (Ireland) Act, 1851;

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Penalties to be recovered.

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Application of penalties. 75. All penalties imposed at any petty sessions within the county, whether for offences against any byelaw or under any law or statute, shall, unless so far as same are payable to any private individual, be paid over to the county treasurer for the use of the county fund.

Members of Council, &c. not to be interested in any contract, or hold any office of profit, under the Council. 76. No member of the Representative Council, or any of their officers or servants, shall be directly or indirectly concerned in or have any interest in any contract for any work, or the supply of any matter or thing to be paid for out of the county fund; and no members of the Council shall be appointed to or hold any office or place of profit under the Council, or receive any emolument out of the county fund, save and except the chairman of the Finance Committee, if he shall be authorised by any byelaw to be made to that effect; and if any member of the Council shall offend herein, he shall be incapable of continuing a member of the Council, and his place in same shall be vacant; and he shall be liable to a penalty of one hundred pounds, to be recovered, with full costs of suit, in an action in any one of the superior courts of common law at suit of the Representative Council, or, if the Council shall not commence such action within one month after a notice shall be delivered to the secretary, signed by any three ratepayers, calling on them to bring such action, then at the suit of any ratepayer who will sue for the same.

Acts required to be done on a day happening to fall on a Sunday. 77. Whenever any act so herein-before appointed to be done on any specified day of the year, and such day shall happen on any day to fall on a Sunday, the act so appointed to be done shall be done on the day following.

Short title of Act. 78. This Act may be cited for all purposes as "The Representative Councils (Ireland) Act, 1876."

Grand Jury Present-
ments, &c. (Ireland).

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B I L L

To provide for the better administration of Public Money now levied by Grand Jury Presentment in Ireland, and for the establishment of Representative Councils in the Irish Counties for the management of Local Affairs.

*(Prepared and brought in by
Mr. Dawson, Mr. Smith, and
Mr. O'Shaughnessy.)*

*Ordered, by The House of Commons, to be Printed,
9 February 1876.*

[Bill 92.]

Under 3 oz.